

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

CHAPTER 01 - GENERAL GOVERNMENT

01.01 VILLAGE POWERS

(1) AUTHORITY AND PURPOSE

(a) The town board of the town of Cottage Grove, Dane county, Wisconsin, is hereby authorized and directed to exercise all village board powers; pursuant to s. 60.18(12), Stats.

(b) All ordinances and resolutions adopted by any action of the town board, prior to the effective date of this section, are hereby ratified, adopted, and confirmed in all respects.

(2) EFFECTIVE DATE

(a) The original ordinance was adopted on 3 Apr 1956.

(b) This section shall take effect upon passage and publication.

01.02 NONPARTISAN PRIMARY

(1) AUTHORITY AND PURPOSE

(a) The electors of the town, present at the annual town meeting held in April 1981, directed the town board to establish by ordinance, a town nonpartisan primary with nomination papers; pursuant to s. 8.05(3), Stats.

(b) The town nonpartisan primary will replace the caucus system in effect prior to the effective date of this section; pursuant to s. 8.05(1), Stats.

(2) ADMINISTRATION

(a) The town clerk shall administer the terms of this ordinance pursuant to the authority granted under s. 60.33, Stats.; in accordance with the provisions of ch. 8, Stats., and at the direction of the state elections board.

(b) All candidates for elected town office, shall be nominated using official nomination papers; available from the town clerk, or the state elections board.

(c) Nomination papers for candidates for elected town office shall be signed by not less than 20, and not more than 100 electors of the town, and shall designate the office for which the candidate is nominated.

(d) No additional candidates for town elective office shall be nominated; pursuant to the caucus method, set forth in s. 8.05(1), Stats.

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(e) A town nonpartisan primary election shall only be held when the number of candidates for an elective town office exceeds twice the number to be elected to that office. When the number of candidates for an elective town office does not exceed twice the number to be elected, there shall be no primary required for that office; and the candidates names shall appear directly on the official ballot for the spring election.

(3) EFFECTIVE DATE

(4) The original ordinance was adopted on 6 Jul 1981.

(5) This section shall take effect upon passage and publication.

01.03 STANDING COMMITTEES

(1) DESIGNATION

(a) The town chair, with the approval of the town board, shall designate appropriate committees to provide input to the board, and to assist in the administration of town affairs.

(b) The town chair shall designate the committees that will act during their term of office, within 30 days from the date the chair takes office; with the exception of any committee whose term of service is otherwise specified under state statute, or town ordinance.

(c) The committee designation may be such that: it is a standing committee which is continuing in nature; or that it is a limited term committee, which has been developed to address a specific issue, and has a specified term of service. Joint committees, established between the town and village of Cottage Grove, may also be designated as either standing, or limited term committees.

(2) APPOINTMENT AND TERM OF SERVICE

(a) The town chair shall solicit names of electors of the town who wish to serve on a town committee. Any elector of the town shall be eligible for appointment to a committee; subject to ratification by the town board.

(b) The name of any person recommended for appointment to a committee shall be presented to the town board for their consideration at the first scheduled meeting in May, by the town chair.

(c) The town board shall consider the nominations for appointment to a town committee, and shall vote to ratify these appointments at the second scheduled board meeting in May. A majority vote of the board members present, shall be considered approval of the nominee.

(d) The length of the term of office of each committee shall be 2 years from the date of appointment; with the exception of any committee which has a member's term of office

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otherwise specified by state statute, or town ordinance.

(e) In the event a vacancy occurs on any town committee, prior to the end of the term of office specified in (d), the town chair shall nominate a replacement; and the town board shall act on this nomination at the next scheduled board meeting, following the date the vacancy occurs.

(3) DUTIES AND RESPONSIBILITIES

(a) The members of each committee designated under (1)(a), shall elect a committee secretary on an annual basis at the first scheduled meeting that follows the appointment of new members to the committee.

(b) The designated committee secretary shall keep a full and accurate record of all proceedings of the committee and shall provide the town clerk with a written record of these proceedings, on or before the date of the town board meeting where action would be taken on any recommendations made by the committee.

(4) EFFECTIVE DATE

(a) The structure of the standing committees was initially approved in May 1993.

(b) This section shall take effect upon passage and publication.

01.04 ORDINANCE COMMITTEE

(1) PURPOSE

(a) The ordinance committee shall develop, or review, all proposed town ordinances in accordance with the procedures established in s. TCG 25.01.

(2) STRUCTURE AND TERM

(a) The ordinance committee shall be a standing committee comprised of 2 board members, two citizens, who shall serve for a period of 2 years from the date of their appointment, the town clerk and the police chief.

(b) A quorum of the ordinance committee shall be 4 members.

(c) The chair of the ordinance committee will be elected by the committee members.

(3) ADMINISTRATION

(a) All ordinances shall be drafted using "plain language" whenever possible; statutory references excepted.

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- (b) The committee shall meet as necessary to develop, or review the text of any proposed town ordinance; as specified in s. TCG 25.01.
- (c) The committee meetings shall be held in the town hall; following a public notice, as specified under s. 19.84, Stats.
- (d) The ordinance committee meetings shall be open to all electors of the town, including town board members. Any, or all, board members may attend an ordinance committee meeting without consideration of a quorum being present; as they shall only present their personal views and opinions as an elector, and shall not be acting in any official capacity representing their constituents.
- (e) Any person may be asked to provide input to the committee; including elected and appointed town and village officials, as well as officers of the Cottage Grove fire department, and Deer-Grove EMS commission. While such persons may provide valuable input on issues directly related to their areas of expertise, only committee members shall have a vote on what will be included in the draft ordinance to be presented to the board.
- (f) Existing ordinance files shall be reviewed to ensure that a complete set of town ordinances exists, as originally adopted. Discrepancies shall be brought to the board for their action.

(4) EFFECTIVE DATE

- (a) The structure of the ordinance committee was initially approved in May 1993.
- (b) This section shall take effect upon passage and publication.

01.05 ETHICS CODE

(1) AUTHORITY

The electors of the town, present at the annual town meeting held on 14 Apr 1992, directed the town board to adopt the state statutes as the code of ethics for the town.

(2) INCORPORATION BY REFERENCE

The provisions of ss. 19.41 to 19.59, Stats., as amended, are hereby adopted and made a part of the code of ordinances of the town, as Appendix 01-A(available in the Clerk's Office); with the same force and effect as if they were fully reprinted herein.

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(3) EFFECTIVE DATE

- (a) The state ethics code was adopted on 14 Apr 1992.
- (b) This section shall take effect upon passage and publication.

01.06 COMPENSATION OF MUNICIPAL OFFICIALS AND EMPLOYEES

[Text of existing policy to be inserted here, subject to revision.]

01.07 DESTRUCTION OF PUBLIC RECORDS

(1) AUTHORITY.

This destruction of public records ordinance is enacted pursuant to the authority vested in the Town by Wis. Stats., ss. 60.83 and 19.21(4).

(2) RETENTION PERIOD.

All public records must be retained by the Town for a minimum of seven (7) years unless: (a) a shorter retention period has been fixed by the State of Wisconsin Public Records Board under Wis. Stats., s. 16.61(3)(e); or (b) a shorter retention period has been fixed by statute; or (c) a longer retention period has been fixed by statute, in which case such Public Records Board or statutory retention periods shall apply.

(3) DESTRUCTION OF RECORDS.

Upon expiration of the required retention period and upon completion of any required audit by the Bureau of Municipal Audit or by a Wisconsin certified public accountant, Town officers may destroy public records of which they are legal custodians subject to the provisions of this ordinance.

(4) HISTORICAL RECORDS.

No public record may be destroyed by the Town unless the Town has given the State Historical Society of Wisconsin (ASHSW@) at least sixty (60) days written notice of the Town's intent to destroy the public record. No public record requested by the SHSW may be destroyed until after any SHSW request for inspection has been granted.

(5) DESTRUCTION AFTER OPEN RECORDS REQUEST FOR INSPECTION.

If an open records request is made for inspection of a public record, no such record may be destroyed until after such request is granted or until 60 days after the open records request is denied. If an action is commenced under Wis. Stats., s. 19.37, the requested record may not be

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destroyed until after a court order is issued authorizing such destruction and all appeals have been completed. Wis. Stats., s. 19.35(5).

(6) DESTRUCTION PENDING LITIGATION.

No public record subject to pending litigation may be destroyed until the litigation is resolved.

(7) MICROFILMING OR OPTICAL IMAGING OF RECORDS.

Any Town authority or custodian may, subject to the approval of the Town Board, keep and preserve public records through the use of microfilm or optical imaging provided the microfilm or optical imaging meets the applicable standards in Wis. Stats., ss. 16.61(7) or 16.62. Retention periods and estimated costs and benefits of converting records between different media should be considered. After verification, paper records converted to microfilm or optical imaging should be destroyed. The retention periods identified in this ordinance apply to records in any media. Such records shall be open to public inspection and copying according to the provisions of state law and this chapter.